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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,104

07/14/2003

Takashi Ito

F-7860

5801

28107

7590

06/03/2004

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EXAMINER

STULTZ, JESSICA T

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,104	<b>Applicant(s)</b> ITO, TAKASHI	
	<b>Examiner</b> Jessica T Stultz	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0903</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 recites the limitation "said concave groove", however there is no previous mention of a "concave" groove in the claim. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, the assumed meaning is "said groove".

### ***Drawings***

Figures 1 and 2a-b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al in view of Nakano.

Regarding claim 1, Wada et al discloses an optical element comprising an optically functional surface (Sections 223-225, wherein the optical element is "205", Figure 13) having an outer periphery and a flange formed on the outer periphery (Sections 228, wherein the flange section is "205b" with fitting sections "205g", Figure 13), and having on the flange outer peripheral surface a fitting portion adapted to be fitted to an inner peripheral surface of another

Art Unit: 2873

optical element (Sections 229-235, wherein the flange portion "205b" is fitted to the inner surface "204b" at fitting sections "204g" and "205g", Figure 13) that has a groove in the inner peripheral surface for being filled with an adhesive (Figure 13, wherein the groove is the indentation of flange "204b"), and an adhering portion to be adhered to the optical element by the adhesive filled in said groove (Sections 229-235, wherein the flange portions are bonded at fitting sections "204g" and "205g" by adhesive "210", Figure 13), and the flange having a raised portion within the periphery of the outer peripheral surface and extending above a plane in which other surface portions of the flange lie to prevent adhesive filled in the groove of the lens barrel from flowing to the optically functional surface (Sections 228-229, wherein the raised portion of flange portion "205b" is shown in Figure 13), but does not specifically disclose that the optical element is adhered to a lens barrel with an groove. Nakano teaches of an optical element comprising an optically functional surface (Column 3, lines 7-39, wherein the optical element is lens "1", Figure 1) having an outer periphery and a flange formed on the outer periphery (Shown in Figure 1) specifically having on the flange outer peripheral surface a fitting portion adapted to be fitted to an inner peripheral surface of a lens barrel (Column 3, lines 7-39, wherein the lens barrel "4" is attached fitted to lens "1" at its inner peripheral surface, Figure 1) that has a groove in the inner peripheral surface for being filled with an adhesive (Column 3, lines 7-39, wherein the lens barrel "4" has a groove in which the lens "1" is fitted and held by adhesive "7", Figure 1); and an adhering portion to be adhered to the lens barrel by the adhesive filled in said groove (Figure 1, wherein the adhering portion of lens "1" is the part of the flange fitted to barrel "4") for the purpose of retaining the state in which the lenses are positioned to enable decentering, tilting and retainment of inter-lens distances (Column 3, lines 32-38). Therefore it would have

been obvious to one having ordinary skill in the art at the time the invention was made for the optical element of Wada et al to further have the optical element adhered to a lens barrel since Nakano teaches of an optical element comprising an optically functional surface having an outer periphery and a flange formed on the outer periphery specifically having on the flange outer peripheral surface a fitting portion adapted to be fitted to an inner peripheral surface of a lens barrel that has a groove in the inner peripheral surface for being filled with an adhesive and an adhering portion to be adhered to the lens barrel by the adhesive filled in said groove for the purpose of retaining the state in which the lenses are positioned to enable decentering, tilting and retainment of inter-lens distances.

Regarding claim 2, Wada et al and Nakano disclose and teach of the optical element as disclosed above and Wada et al further discloses a first inclined face formed on an outer peripheral side of the raised portion (Sections 210-213, wherein the optical element "105" is bonded to optical element "104" and the raised portion "105b" has a first inclined face, i.e. the outer inclined face, Figure 10a) and extends to the plane and a second inclined plane formed on an end of the fitting portion proximate the plane and extends to the plane (Sections 210-213, wherein the second inclined plane is the curved face of "105b" that extends to the plane, Figure 10a).

Regarding claim 3, Wada et al and Nakano disclose and teach of the optical element as disclosed above and Wada et al further discloses that the first and second inclined surface form a continuous inclined surface (Shown in Figure 10a).

Regarding claim 4, Wada et al and Nakano disclose and teach of the optical element as disclosed above and Wada et al further discloses that the other surface portions comprise an

Art Unit: 2873

annulus between the optically functional surface and the raised portion (Shown in Figures 13 and 10a, wherein the annulus is the space between the functional surface and the flange).

Regarding claim 5, Wada et al and Nakano disclose and teach of the optical element as disclosed above and Wada et al further discloses that the other surface portions comprise an annulus contiguous with the first and second inclined surface (Shown in Figure 10a, wherein the annulus is the space between the functional surface and the flange).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Naoe et al, Nakane et al, and Hunter are cited as having some similar structure to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/619,104

Page 6

Art Unit: 2873

A handwritten signature in cursive script, appearing to read "Jessica Stultz", followed by a horizontal line.

Jessica Stultz  
Patent Examiner  
AU 2873  
May 27, 2004

A handwritten signature in cursive script, appearing to read "Jordan Schwartz", with a large loop at the end.

JORDAN SCHWARTZ  
PRIMARY EXAMINER